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AUTHOR	Lumsden, Linda
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ABSTRACT

This digest examines schools' dress-code policies and discusses the legal considerations and research findings about the effects of such changes. Most revisions to dress codes involve the use of uniforms, typically as a way to curb school violence and create a positive learning environment. A recent survey of secondary school principals found that 70 percent of principals believe that mandated uniforms would reduce discipline problems. However, people who oppose uniforms caution against unnecessary routinization, authoritarianism, and infringement of the freedom of expression. Opponents also claim that the lack of conclusive evidence whether uniforms have a positive impact should give uniform proponents pause. Research on the effects of uniforms has been mixed because most studies rely on informal observations. As far as the legality of such codes is concerned, legal rulings have been ambiguous, though federal courts consistently uphold school districts' rights to establish regulations for the routine operation of schools. However, the courts want to know how the policy affects education, and school administrators must realize that policies are more likely to succeed when parents are involved from the beginning. Also, having an "opt-out" provision can protect schools from legal challenges. Possible alternatives to uniforms include teaching conflict-resolution skills and increased security. (Contains 10 references.) (RJM)

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Does the old adage "clothes make the man" apply to students in the school setting? That is, can the way students dress have an impact on such things as school climate and safety, academic success, and behavior? Some administrators think so and have tightened up student dress codes or begun requiring students to wear uniforms as a way of reducing the risk of violence and creating a positive, productive learning environment.

The National Association of Elementary School Principals points out that uniforms once were the trademark of a private or parochial school; today "the number of public schools adopting uniforms and strong dress codes is growing annually" (NAESP 2000). In a national survey of elementary and middle school principals conducted by NAESP in May 2000, 10 percent of the 755 respondents "said that their schools already had adopted a uniform policy and another 11 percent were considering the concept" (NAESP).

This Digest discusses why some schools are changing their dress-code policies, outlines issues raised by proponents and opponents, looks at legal considerations, touches upon research findings, and offers some suggestions from students about other ways to promote safety in schools.

Why Are Some Schools Requiring Uniforms or Tightening Dress-Code Policies?

Concerns about school violence have led to increased interest in and acceptance of uniform policies, which specify what must be worn, or strict dress codes, which identify prohibited attire. Ronald D. Stephens, executive director of the National School Safety Center, states, "In the wake of school shootings, communities and schools are much more willing to embrace uniforms as well as a number of other strategies to enhance student safety" (White 2000).

Even before the recent series of school shootings, a survey of principals conducted by the National Association of Secondary School Principals found strong support for uniforms. Seventy percent of the 5,500 principals surveyed at NASSP's 1996 annual conference said they believed "requiring students to wear uniforms to school would reduce violent incidents and discipline problems" (Brown 1998).

In addition to having a sense that uniforms may aid in violence prevention, many administrators "believe that uniforms will reduce discipline referrals, while improving attendance, achievement, self esteem, and school climate" (Brown).

Curbing gang-related problems was the primary goal of the Long Beach (CA) Unified School District when, in 1994, it began requiring students in all its elementary and middle schools to wear uniforms. In the Dysart Unified School District outside Phoenix, Arizona, eliminating "some of the stigma associated with clothes" was the main motivation behind the adoption of uniforms (White).

Potential benefits attributed to school uniforms include improved discipline, increased respect for teachers, increased school attendance, fewer distractions, improved academic performance, increased self-esteem and confidence, lower overall clothing costs, promotion of group spirit, reduction in social stratification and fashion statements, improved classroom behavior, lower rates of school crime and violence, and easy identification of nonstudents (Brown).

What Objections Have Been Raised in Regard to the Policies?

People who oppose uniforms point to "unnecessary routinization, violations of students' First Amendment rights, authoritarian regimentation, extraordinary expenditures on special clothing, an environmental tone that is harmful to education and learning, and a cosmetic solution to deeper societal problems" (Brown).

Students' First Amendment right to freedom of expression, and whether it is being unduly abridged, is one of the fundamental issues raised. Several legal challenges have asserted that students' freedom to select what to wear to school is a form of self-expression that schools are not entitled to interfere with.

The lack of conclusive evidence concerning whether uniforms or restrictive dress policies really have a positive impact is also cited by opponents. Loren Siegel, director of the Public Education Department for the American Civil Liberties Union, points out that whereas the Long Beach School District claims uniforms resulted in a reduction in certain forms of student misconduct and improved student achievement, a causal relationship may not exist (http://www.aclu.org/congress/uniform.html) . Since other changes were instituted about the same time the uniform policy was put into effect (for example, teacher supervision in halls was increased and new content standards were adopted), it is difficult to determine which variables were actually responsible for the subsequent drop in misbehavior.

Siegel also points out that "virtually every uniform policy in the country" applies only to elementary and/or middle school students, not to high school students, despite the fact that uniforms are portrayed as a way to curb teen violence. Attempts have rarely been made to implement uniforms at the high school level, where noncompliance would almost certainly be a more significant issue.

What Legal Issues Should Administrators Be Aware Of?

Lane and colleagues (1996) report that although the courts have issued "inconsistent and ambiguous" rulings on dress codes, "the federal courts consistently have upheld the school district's right to establish regulations for the day-to-day operations of schools." While uniform policies have faced opposition, "lawsuits have in general failed in the courts," according to Patten and Siegrist (2000).

When developing a dress-code policy, the school should specify how the policy relates to its ability to educate

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students in a safe, orderly environment. In one case, the court ruled that it is unconstitutional for school districts to restrict what students can wear simply on the basis of taste and style (Lane and others). On the other hand, "school policies that prohibit wearing clothing or symbols linked to gangs have traditionally been upheld by the courts" (Brown). According to Brown, when "issues of health, safety, and potential disturbance of the learning environment" drive the adoption of strict dress codes or mandatory uniform policies, the courts may be more apt to rule in favor of schools if their policies are legally challenged.

To successfully defend a mandatory uniform policy against constitutional challenges, a district must ensure that its dress code is related to the school's pedagogical purpose, allows students alternative means of expressing their views, and is a content-neutral (rather than a content-based) regulation of student expression (Simonson 1998). Dress codes are considered a permissible regulation of student expression because the classroom is considered a nonpublic, rather than a public, forum (Simonson).

According to the *Manual on School Uniforms* (U.S. Department of Education 1996), policies will be more likely to succeed and be accepted by all constituents if the following steps are taken:

1. Get parents involved from the beginning.
2. Protect students' religious expression.
3. Protect students' other rights of expression.
4. Determine whether to have a voluntary or mandatory school-uniform policy.
5. When a mandatory policy is adopted, determine whether to have an opt-out provision.
6. Do not require students to wear a message.
7. Assist families that need financial help.
8. Treat school uniforms as part of an overall safety program.

The manual emphasizes that most districts with mandatory uniform policies permit students to opt out with parental consent. If a mandatory uniform policy is adopted without an opt-out provision, districts may "be vulnerable to legal challenge" unless they can show that other less dramatic steps would fail to alleviate a "disruptive learning environment."

Recently, however, the Arizona Court of Appeals "held that an opt out provision is not required" (Starr 2000). Starr contends that this ruling means uniform policies may be more successful in public high schools—where they are needed to combat violence—than previously thought possible.

According to NAESP, "many states have established guidelines and/or legislation on dress codes and uniforms at public schools" (NAESP). Information on state policies regarding uniforms and dress codes can be obtained at the Education Commission of the States website (http://www.ecs.org/clearinghouse/13/39/1339.htm).

What Does the Research Suggest?

Both those in favor of and those opposed to school uniforms cite data to bolster their respective positions. However, according to White, "Research on the effects of school uniforms has been inconclusive or mixed." Much of the "evidence" on both sides is anecdotal, not empirical. The survey of principals conducted by NAESP seems to bear this out. It found that although some schools maintain statistics, most rely primarily on informal observations by principals and staff to ascertain whether uniforms are making a difference.

The weakness of anecdotal evidence is that people may attribute specific positive (or negative) effects to uniforms based on changes they observe following the implementation of a uniform policy. However, unless other variables are controlled for, it is possible that the changes are really the result of other factors, not the uniforms.

A study of middle school students in the Charleston (SC) School District found that school uniforms did appear to alter students' perceptions of school climate (Wilson). Students attending district schools that required uniforms viewed their school climates more positively than did students enrolled in schools where uniforms were not mandatory.

What Alternative Approaches Have Been Suggested?

Since many school administrators and policymakers view uniforms as part of a violence-prevention package, the ACLU polled high school students to solicit their ideas about how to address school violence. Their suggestions included the following: (1) Confront and discuss issues of racism and cultural conflict, (2) institute "safe corridor" programs to protect students on their way to and from school, (3) secure school entrances, (4) establish more extracurricular activities and clubs, (5) hold open-mike assemblies where students can express themselves, (6) establish programs to help students find part-time jobs, and (7) teach conflict-resolution techniques (Siegel). Those polled did not feel that restrictive dress codes or uniforms would be helpful in reducing violence (Siegel).

Clearly, it is naïve to think of uniforms or restrictive dress codes as a stand-alone solution to the safety concerns and discipline problems that plague many schools today. As Forest (1997) notes, instituting uniforms to stop violence is like putting "a bandage on an enormous wound, instead of attempting to find ways of truly dealing with the bleeding." On the other hand, when well conceived and coupled with other appropriate interventions, uniforms or strict dress-code policies may have a positive impact on school climate, student behavior, and academic success.

Resources

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